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EXAMINER	
BARQADLE, YASIN M	

ART UNIT	PAPER NUMBER
2456	

NOTIFICATION DATE	DELIVERY MODE
10/06/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/933,845	VAN DE SLUIS, BARTEL MARINUS	
	Examiner	Art Unit	
	YASIN M. BARQADLE	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 September 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,9-12 and 15-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,9-12 and 15-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 14, 2009 has been entered.

Response to Amendment

2. The amendment filed on September 14, 2009 has been fully considered but are not persuasive.

- Claims 1, 9-12 and 15-29 are presented for examination.

Response to Arguments

3. The Applicant argues Because in Philyaw the message received at ARS is accompanied by the product code that is then used to interrogate a database, Philyaw fails to disclose "determining that the portion of the content item [received at the server system] is not accompanied by an identifier suitable for

interrogating a database to determine further information associated with the content item" recited in claim 1." Page 8.

The Examiner maintains that Philyaw teaches " message packet 400 sent from the source PC 302 to ARS 308 via Path "A" comprises several fields. One field comprises the URL of the ARS 308 which indicates where the message packet is to be sent. Another field comprises the advertiser product code or other information derived from the audio signal 111, and any additional overhead information required for a given transaction." (col. 6, lines 36 to col. 7, line 13). In other words message 4a includes several fields including URL of source and URL field (ID) that are not used for interrogating a product information in the database. Additional fields for further information may include the request for information in 4c, 4d and 4e. The fact that the message is accompanied identifiers that are not used to interrogate a database, then the argued limitation is met. The claim does not rule out identifiers other than the product code.

The Applicant argues "A message packet used to send the advertiser information (i.e., advertiser product code) to ARS is shown in Figure 4a and includes the product code, the URL of ARS and the URL of the viewer's computer, but does not include any media objects or portions of media objects in general or any content that can be played by a client system. In contrast, claim 1, as amended, recites "a portion of the content item the content item

that can be played by a client system." Because the message transmitted to ARS is not a portion of the content item the content item that can be played by a client system, Philyaw fails to disclose the above-quoted operation recited in claim 1." Page 7.

The Examiner disagrees. The message transmitted to the ARS is a portion of the audio signal (content item). For example. Philyaw teaches "Referring now to FIG. 4a, the message packet 400 sent from the source PC 302 to ARS 308 via Path "A" comprises several fields. One field comprises the URL of the ARS 308 which indicates where the message packet is to be sent. Another field comprises the advertiser product code or other information derived from the audio signal 111, and any additional overhead information required for a given transaction." (Col. 6, lines 37-44)

Philyaw further teaches" FIG. 1, an advertiser is allowed the ability to control a user's PC 112 through the use of tones embedded within a program audio signal. As will descried hereinbelow, the disclosed embodiment utilizes particular routing information stored in the PC 112 which allows the encoded information in the received audio signal to route this information to a desired location on the network and then allow other routing information to be returned to the PC 112 for control thereof to route the PC 112 to the appropriate location associated with that code." (col. 4, lines 55-65) In other words the message includes information derived from the audio signal. Also

audio signal includes routing information to which data in the audio signal is to be routed.

Arguments related to claims 11-12 and other dependent claims include similar arguments addressed above. Therefore, they are moot.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 9, 21-22 and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Philyaw et al USPN (6098106).

As per claim 1, 9 and 22, Philyaw et al teach a method to enhance rendering of a content item (fig. 3), the method comprising:
receiving, at a server system (fig. 3, 308), a portion of the content item that can be played by a client system from the client system (message packet 4a col. 6, lines 13-344; col. 8, lines 24-43), the received portion of the content item being distinct from an identifier associated with the content item , the portion of the content item comprising audio and or/video content (see message packet 400a and col. 6, lines 13-37; col. 8, lines 24-43; audio signal data implies audio content); determining that the portion of the content item is not accompanied by an identifier suitable for interrogating a database to determine further information associated with the content item (col. 8, lines 24-43 and lines 51-67);

processing, at the server, the received portion of the content item to determine, from the received portion of the content item, the identifier associated with the content item (col. 6, lines 66 to col. 7, line 13) ; a lookup component to obtain further information on the content item using the determined identifier (col. 6, lines 15-21; col. 8, lines 24-43 and lines 51-67), and transmitting the further information to the client system (col. 7, lines 17-22 and col. 8, lines 24-43).

As per claim 21 and 28, Philyaw et al teach the method, wherein the processing of the received portion of the content item comprises determining an audio characteristics associated with the received portion of the content item (col. 6, lines 37-49 and col. 9, lines 33-54).

As per claim 29, Philyaw teaches the inventions as explained in claims 1 and 22. Further Philyaw teaches detecting an indication of a user interest in a content item and responding to the indications by obtaining a portion of the content item from a client system (col. 6, lines 13-37; col. 8, lines 24-43 and col. 11, lines 2-40).

5. Claims 1, 9, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Conwell et al USPN (6970886).

As per claims 1, 9, and 22, Conwell et al teach a method to enhance rendering of a content item (fig. 1 and abstract), the method comprising:
receiving, at a server system (Registry database, fig. 1), a portion of the content item that can be played by a client system from the client system (col. 3 , lines 43 to col. 4, lines 13), the received portion of the content item being distinct from an identifier associated with the content item , the portion of the content item comprising audio and or/video content (system (col. 1, lines 43-57 and col. 3 , lines 43 to col. 4, lines 13); determining that the portion of the content

item is not accompanied by an identifier suitable for interrogating a database to determine further information associated with the content item (col. 1, lines 43-57 and col. 3 , lines 43 to col. 4, lines 13);

processing, at the server, the received portion of the content item to determine, from the received portion of the content item, the identifier associated with the content item (col. 2, lines 36-43 and col. 4, line 35-60) ; a lookup component to obtain further information on the content item using the determined identifier (col. 1, lines 43-57 and col. 3 , lines 43 to col. 4, lines 13), and transmitting the further information to the client system (col. 1, lines 43-57 and col. 3 , lines 43 to col. 4, lines 13 and col. 4, lines 35-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 10 and 15-19, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philyaw et al, USPN (6098106) in view of Herz et al USPN. (20010014868).

As per claim 10 and 15, Although Philyaw et al shows substantial features of the claimed invention as explained above, Philyaw does not explicitly show computing a hash value for the received portion of a content value. Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Philyaw et al, as evidenced by Levy et al USPN. (6505160).

In analogous art, Levy et al teaches computing a hash value for a received portion of a content value (col. 9, lines 45 to col. 10, line 15). Giving the teaching of Levy et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Philyaw et al by employing the hashing system of Levy in order to generate a unique identifier of a content to ensure the integrity of the content.

As per claim 16 and 23, Levy et al teach the method of claim 15, wherein the obtaining of further information includes utilizing the calculated hash value as the identifier associated with the content item (col. 6, lines 43-54 and col. 12, lines 62 to col. 13, line 15).

As per claim 17 and 24, Levy et al teach the method further comprising utilizing the identifier for the content item to add the content item to a list calculated hash and the determined identifier (col. 7, lines 4-38 and col. 13, lines 42 to col. 14, line 9).

As per claim 18 and 25, Levy et al teach the invention, wherein the further information includes a title associated with the content item (col. 13, lines 12-15).

As per claim 19 and 26, Levy et al teach the invention, wherein the portion of the content item is received from a mobile phone (col. 14, lines 15-24).

7. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philyaw et al, USPN (6098106) in view of Levy USPN. (6505160) and further in view of Herz et al USPN. (20010014868).

As per claim 11, Philyaw et al teach a method to facilitate an e-commerce transaction (abstract) the method comprising:

receiving, at a server (fig. 3, 308), a media object that can be played by a client system (message packet 4a including audio signal appended with URL information is transmitted to the media server col. 5, lines 47-52 and col. 6, lines 13-37; col. 8, lines 24-43) , the media object being distinct from an identifier associated with the content item (the URL is distinct from the product code in the message packet), determining that the media object is not accompanied by an identifier suitable for interrogating a database to determine further information associated with the media object (the URL address is not

suitable for interrogating the database for product information col. 8, lines 24-43 and lines 51-67);

processing, at the server, the media object to determine an identifier from the media object utilizing the calculated hash and the determined identifier (col. 4, lines 40-56; col. 6, lines 43-54 and col. 12, lines 62 to col. 13, line 15).

Although Philyaw et al shows substantial features of the claimed invention as explained above, Philyaw does not explicitly show computing a hash value for the received portion of a content value.
Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Philyaw et al, as evidenced by Levy et al USPN. (6505160).
In analogous art, Levy et al teaches computing a hash value for a received portion of a content value (col. 9, lines 45 to col. 10, line 15). Giving the teaching of Levy et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Philyaw et al by employing the hashing system of Levy in order to generate a unique identifier of a content to ensure the integrity of the content.

Although Philyaw and Levy et al show substantial features of the claimed invention including returning a web page of information about the object and links actions such as buying and downloading related music (col. 13, lines 42

to col. 14, line 9 Levy), Philyaw and Levy do not explicitly show determining further information associated with the content item and transmitting an electronic offer to sell (an item) utilizing determined identifier.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Philyaw and Levy, as evidenced by Herz et al USPN. (20010014868).

In analogous art, Herz et al whose invention is a system for tracking the behavior of online shoppers by accumulating extensive profiles of the shoppers and the offers that they consider. The system customizes prices and promotions, automatically constructing product offers tailored to individual shoppers (abstract), discloses determining further information associated with the content item and offering promotions to a shopper on related purchases such as when the shopper purchases item A, the system offers a coupon on related item B based on identifiers associated with the user's profile (¶ 266-267 and ¶ 277-279. see also ¶ 237). Giving the teaching of Herz et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Philyaw and Levy by employing the system for the automatic determination of customized prices and promotions of Herz because this will enable vendors to maximize their profit margin and to help shoppers become informed about available offers (abstract and ¶ 4 and ¶24).

As per claim 12, Levy et al teach the method of claim 11, wherein the media object comprises a portion of an electronic content item (col. 9, lines 19-54, col. 7, lines 3-10 and col. 12, lines 16-62).

8. Claims 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philyaw et al, USPN (6098106) in view of Herz et al USPN. (20010014868).

As per claims 20 and 27, although Philyaw et al shows substantial features of the claimed invention as explained above, Philyaw does not explicitly show further information includes an offer to sell a further content item related to the content item.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Philyaw et al, as evidenced by Herz et al USPN. (20010014868).

In analogous art, Herz et al whose invention is a system for tracking the behavior of online shoppers by accumulating extensive profiles of the shoppers and the offers that they consider. The system customizes prices and promotions, automatically constructing product offers tailored to individual shoppers (abstract), discloses determining further information associated with the content item and offering promotions to a shopper on related purchases such as when the shopper purchases item A, the system offers a coupon on

related item B based on identifiers associated with the user's profile (¶ 266-267 and ¶ 277-279. see also ¶ 237). Giving the teaching of Herz et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Philyaw et al by employing the system for the automatic determination of customized prices and promotions of Herz because this will enable vendors to maximize their profit margin and to help shoppers become informed about available offers (abstract and ¶ 4 and ¶24].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yasin M Barqadle/

Primary Examiner, Art Unit 2456